

REMARKS

Claims 1-28 are the claims currently pending the Application.

Claims 1, 5, 9, 13, 17, 20, 23, and 26 are amended herein. Claims 4, 8, 12, 16, 19, 22, 25, and 28 are canceled herein.

Rejection of Claims 1-28 under 35 U.S.C. § 112

Claims 1-28 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant amends claims 1, 5, 9, 13, 17, 20, 23, and 26 herein to delete the phrase “first” or “second data specifies a geographical location of the cellular phone” as the Examiner found this phrase to be new subject matter. The phrase “indicates a site” or “indicates an area”, as appropriate, is inserted in these claims; these are the phrases substituted by the Examiner for purposes of examination. Support for this amendment can be found in the specification on page 4, line 12 and line 24. Applicant states that the claims as amended comply with the written description requirement of 35 U.S.C. § 112, first paragraph. Claims 2-3, 6-7, 10-11, 14-15, 18, 21, 24, and 27 depend from claims 1, 5, 9, 13, 17, 20, 23, and 26, respectively, and incorporate the limitations therein. Applicant requests that this rejection be withdrawn.

Rejection of Claims 1-4, 9-12, 17-19 and 23-25 under 35 U.S.C. § 103

Claims 1-4, 9-12, 17-19 and 23-25 are rejected under 35 U.S.C. § 103 as being obvious from Valentine et al., U.S. Patent No. 6,011,973 in view Steer, U.S. Patent No. 6,643,517. This rejection should be withdrawn based on the comments and remarks herein.

Applicant amends claims 1, 5, 9, 13, 17, 20, 23, and 26 to include the feature of a modem. This amendment incorporates a limitation in a dependent claim into the corresponding independent claim as follows. The limitation of claim 4 is added to claim 1, and claim 4 is canceled herein. Similarly, claims 5 and 8 are combined, claims 9 and 12 are combined, claims 13 and 16 are combined, claims 17 and 19 are combined, claims 20 and 22 are combined, claims 23 and 25 are combined, and claims 26 and 28 are combined. No new matter has been added.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor rendered obvious from the cited references. By way of example, Applicant's independent claims 1, 5, 9, 13, 17, 20, 23 and 26 include the feature of a modem which modulates signals to be transmitted from said cellular phone and demodulates signals received. Neither Valentine nor Steer disclose a cellular phone having a modem which not only sends and receives signals, but also converts the signals from one form to another for use by both the phone and the base station. Valentine discloses a transceiver which can be enabled or disabled by the cellular phone (abstract). As no more details are provided, it can only be disclosed that Valentine's transceiver is a transmitter and receiver housed together, without signal conversion capabilities. (See enclosed definition of transceiver from dictionary.com.) Steer discloses a multi-part

transceiver consisting of a receiver portion and a transmitter portion, and the receiver is connected to a signaling decoder (column 5, line 66 to column 6, line 1). Thus applicant's invention requires fewer components as no conversion hardware or software independent from the modem is necessary, making the present invention easier to manufacture and assemble, more efficient and less costly.

Also, applicant's amended claims 9, 13, 23 and 26 include the limitation of a first area being circular and having a radius of about 50M as described in the specification on page 10, lines 1-2. A circular first area having a predetermined site as its center is not disclosed in either Valentine or Steer. This circular first area allows for variations in location measurements, increasing the service area which can be restricted, and more accurately preventing unwanted cell phone operation.

Therefore, Valentine and Steer, even taken in combination, do not disclose or suggest the cited features of independent claims 1, 5, 9, 13, 17, 20, 23 and 26. For example, Valentine and Steer do not disclose or suggest a modem in a cellular phone. Steer, as the Examiner states on page 6 of the office action, suggests either a cellular phone or a laptop computer with mobile radio fax modem but not a cellular phone having its own modem. Further, neither Valentine nor Steer discloses or suggests a circular first area having a predetermined site as its center. Accordingly, Valentine and Steer do not address the problems recognized and solved by Applicant's claimed invention, such as, minimizing the components of the cellular phone and increasing the service area which can be restricted.

Claims 2-3, 6-7, 10-11, 14-15, 18, 21, 24, and 27 depend from claims 1, 5, 9, 13, 17, 20, 23, and 26, respectively, and thus incorporate novel and nonobvious features

thereof. Therefore, claims 2-3, 6-7, 10-11, 14-15, 18, 21, 24, and 27 are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art. Accordingly, this rejection should be withdrawn.

Rejection of Claims 5-8, 13-16, 20-22 and 26-28 under 35 U.S.C. § 103

Claims 5-8, 13-16, 20-22 and 26-28 are rejected under 35 U.S.C. § 103 as being obvious from Steer, U.S. Patent No. 6,643,517.

Steer does not disclose or suggest the above-discussed feature of a modem in a cellular phone, as *inter alia* required by independent claims 5, 13, 20 and 26. Further, Steer does not disclose or suggest a circular first area having a predetermine site at its center, as claimed in independent claims 13 and 26.

Claims 6-7, 14-15, 21 and 27 depend from independent claims 5, 13, 20 and 26, respectively and thus are patentably distinguishable with prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art.

Accordingly, this rejection should be withdrawn.

Conclusion

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have

any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Katherine R. Vieyra', written in a cursive style.

Katherine R. Vieyra
Registration No. 47,155

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza,
Suite 300
Garden City, New York 11530
(516) 742-4343

KRV: kc